

Appl. No. 09/756,052

Response to April 06, 2005 Final Office Action

REMARKS/ARGUMENTS

Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 21, 23, 25-30, 32, and 33 are pending. Claims 1, 5, 8, 12, 15, 21, 26, 29, and 33 have been amended to adopt the informal claim amendment suggestions of the Examiner. No claims have been added, canceled, or withdrawn. In view of the following arguments, withdrawal of all outstanding objections and rejections to the pending claims is respectfully requested.

Non-Statutory Claim Objections

Claims 1, 2, 4, 5, 25, 8, 9, 11, 12, 26, 15, 27, 21, 23, 28, 29, 30, 32, and 33 stand objected to because of claim language informalities.

With respect to claims 1, 8, 15, 21, and 29, the Action suggests "in the compressing step", to replace the claim language "processed image of the processed images" with "processed image". Since the Action seemingly indicates that it would have been clear to a person of ordinary skill in the art at the time of the invention that the claimed "processed image" is one of the generated "processed images", Applicant has so amended claims 1, 8, 15, 21, and 29.

Additionally, with respect to claims 1, 8, 15, 21, and 29, the Action suggests "in the deriving step", to replace the claim language "a unique identifier of the unique identifiers" with "a unique identifier". Since the Action seemingly indicates that it would have been clear to a person of ordinary skill in the art at the time of invention that the claimed "unique identifier" is one of the generated "unique identifiers", Applicant has so amended claims 1, 8, 15, 21, and 29.

Additionally, with respect to claims 1 and 8, the Action suggests "in the deriving step", to replace "the unique identifier being derived as a function of a

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portion of the one processed image" with "the unique identifier being derived from a portion of the one processed image". Applicant has so amended claims 1 and 8.

Accordingly, Applicant trusts that the non-statutorily based objections to claims 1, 8, 15, 21, and 29 will be withdrawn.

Claims 2, 4, 5, 25, 9, 11, 12, 26, 27, 21, 23, 28, 30, 32, and 33 depend from respective ones of claims 1, 8, 15, 21, and 29. In view of the foregoing described amendments to base claims 1, 8, 15, 21, and 29, withdrawal of the non-statutory objection to claims 2, 4, 5, 25, 9, 11, 12, 26, 27, 21, 23, 28, 30, 32, and 33 is respectfully requested.

Claim Rejections Under 35 USC §103(a)

Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 21, 23, 25-30, 32, and 33 stand rejected under 35 USC §103(a) as being unpatentable over Stuart, in view of Spanbauer, in view of published EP Patent Application No. 01109486.9 published as EP 1,150,207 for inventors Suzuki et al ("Suzuki"), and further in view of Hollingsworth et al ("Hollingsworth"). This rejection is traversed.

As a preliminary matter, reasons why the reference group of Stuart, in view of Spanbauer, in view of Suzuki do not teach or suggest the features of claims 1, 2, 4, 5, 8, 8, 11, 12, 15, 21, 23, 25-30, 32, and 33 were already presented in the response filed on 11/11/03. Additionally, reasons why the reference group of Stuart, in view of Spanbauer, in view of Suzuki, and further in view of Hollingsworth do not teach or suggest the features of claims 1, 2, 4, 5, 8, 8, 11, 12, 15, 21, 23, 25-30, 32, and 33 were already presented in the response filed on 03/01/05. Those arguments are not repeated verbatim herein but are incorporated by reference. The Office is urged to reconsider those arguments in view of the

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following additional arguments which clearly show that the cited references do not teach or suggest the features of the rejected claims.

Claim 1 recites "assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups", "generating processed images and a listing of unique identifiers as follows: for each downloadable file group: compressing together data files assigned to the downloadable file group to form one processed image; and deriving a unique identifier for the one processed image, the unique identifier being derived from a portion of the one processed image", "storing the processed images and the listing of unique identifiers to a source device", "comparing the listing of unique identifiers with a current listing of unique identifiers in a client device", and "selectively sending processed images from the source device whose unique identifiers appear in the listing of unique identifiers but not in the current listing of unique identifiers in the client device". *Nether Stuart, Spanbauer, Suzuki, and/or Hollingsworth* disclose these recited features of claim 1.

In addressing claim 1, the Action at section 5 asserts that "a portion", as claim 1 recites, is defined as "less than or equal to a whole". However, the Office is urged to review at the two sentences on page 15 that immediately follow the cited portion of Applicant's response dated July 15, 2004. These sentences recite: "[t]hus, the features of claim 1 *do not rely on an entire set of compressed images* to generate a unique identifier. In comparison, Miller only describes generating file names by hashing the entire contents of a package." (Emphasis added). This explicit argument of Applicant in the July 15, 2004 response patentably distinguishes the claimed feature from the cited references, and clearly indicates that "a portion", as claim 1 recites, is less than a whole. Please note that a

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definition of a portion as less than a whole *is narrower* than a portion that is "less than or equal to a whole", which is the broader definition upon which the Action is relying.

Additionally, the Response dated March 01, 2005, plainly reiterates that "portion", as claim 1 recites, refers to something less than a whole (i.e., "a part or share of something larger"). This use of "a portion" as less than a whole is in accordance with: (1) use of the term in the specification; (2) previous arguments presented by Applicant differentiating the art from the cited feature (e.g., see immediately preceding paragraph); and, the commonly recognized meaning of the term (e.g., please refer to the dictionary definition supplied by Applicant in the 03/01/05 response).

In view of the above, the cited references do not teach or suggest "deriving a unique identifier for the one processed image, the unique identifier being derived from a portion of the one processed image". The Office Action admits at page 7 of the Action that this is not taught by *Stuart*, *Spanbauer*, and/or *Suzuki*. To provide this missing teaching, the Office Action relies on *Hollingsworth*. However, *Hollingsworth* does not cure the admitted deficiencies of the other references. Let's take a look at the description of *Hollingsworth* relied on by the Action:

"A CDN provides all of its benefits by converting a package name from a name and version number meaningful to a developer into a Content-Derived Name that can be used to check library integrity and support secure removal retrieval. Since this name is probabilistically guaranteed not to conflict with other library names, it may be shared between different computers without fear of name duplication."

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Notice that the above cited text of *Hollingsworth* is completely silent on deriving CDNs (Content Derived Names) from a "portion" of anything. *Hollingsworth* is completely silent on deriving CDNs (Content Derived Names) from a "portion" of anything, where in a portion is "a part or share of something larger". Instead, *Hollingsworth* explicitly describes at page 1, section 1, paragraph 4, that "Content Derived Names are computed by hashing the contents of a file using a secure hash". Nowhere does *Hollingsworth* teach or suggest that "contents of a file" is anything less than all contents of a file. Thus, a system *Stuart*, *Spanbauer*, *Suzuki*, and/or *Hollingsworth* may never "deriving a unique identifier of the unique identifiers for the one processed image, the unique identifier being derived as a function a portion of the one processed image", as claim 1 recites.

Accordingly, the 35 USC §103(a) rejection of claim 1 is improper and should be withdrawn.

Claims 2, 4, 5, and 25 depend from claim 1 and recite additional features. At least for reasons of this dependency, claims 2, 4, 5, and 25 are allowable over the cited combination.

Accordingly, the 35 USC §103(a) rejection of claims 2, 4, 5, and 25 should be withdrawn.

Claim 8 recites in part "assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups", "generating processed images and a listing of unique identifiers as follows: for each downloadable file group, compressing together data files assigned to the file group to form a respective processed image of the processed images for the downloadable file group", "deriving a unique identifier of the unique identifiers for the respective processed image, the unique identifier being derived as a

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function of one or more portions of the processed image”, and “storing the processed images and the listing of unique identifiers to a source device”.

For the reasons already discussed above with respect to claim 1, *Stuart, Spanbauer, Suzuki et al*, and/or *Hollingsworth* does not teach or suggest these recited features of claim 8.

Accordingly, the 35 USC §103(a) rejection of claim 8 is improper and should be withdrawn.

Claims 9, 11, 12 and 26 depend from claim 8 and recite additional features. At least for reasons of this dependency on claim 8, claims 9, 11, 12 and 26 are allowable over the cited combination.

Accordingly, the 35 USC §103(a) rejection of claims 9, 11, 12 and 26 should be withdrawn.

Claim 15 recites “generating processed images and a listing of unique identifiers by: assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups”. And “for each downloadable file group: compressing together data files assigned to the downloadable file group to form one processed image of the processed images; and deriving, using a portion of the one processed image, a unique identifier of the unique identifiers for the one processed image”. “[S]toring the processed images and the listing of unique identifiers to the memory”, and “comparing the listing of unique identifiers with a current listing of unique identifiers associated with a client device to identify processed images for providing to the client device.”

For the reasons already discussed above with respect to claim 1, *Stuart, Spanbauer, Suzuki et al*, and/or *Hollingsworth* does not teach or suggest these recited features of claim 15.

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Accordingly, the 35 USC §103(a) rejection of claim 15 is improper and should be withdrawn.

Claim 27 depends from claim 15 and recite additional features. At least for reasons of this dependency on claim 15, claim 27 is allowable over the cited combination.

Accordingly, the 35 USC §103(a) rejection of claim 27 is improper and should be withdrawn.

Claim 21 recites in part “assign each of a plurality of server-based data files to one of a plurality of specific corresponding server-based downloadable file groups”, and “generate processed images and a listing of unique identifiers as follows: for each server-based downloadable file group, the server device is configured to: compress together data files assigned to the server-based downloadable file group to form one processed image of the processed images; and derive a unique identifier of the unique identifiers for the one processed image, the unique identifier being derived based on a portion of the processed image”, as well as “selectively output the processed images and a latest listing of the unique identifiers over the network”.

For the reasons already discussed above with respect to claim 1, *Stuart*, *Spanbauer*, *Suzuki et al*, and/or *Hollingsworth* does not teach or suggest these recited features of claim 21.

Accordingly, the 35 USC §103(a) rejection of claim 21 is improper and should be withdrawn.

Claims 23 and 28 depend from claim 21, and recite additional features. At least for reasons of this dependency, claims 23 and 28 are allowable over the cited combination.

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Accordingly, the 35 USC §103(a) rejection of claims 23 and 28 should be withdrawn.

Claim 29 recites “assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups”, and “generating processed images and a listing of unique identifiers as follows: for each downloadable file group, compressing together data files assigned to the downloadable file group to form one processed image of the processed images” and “deriving a unique identifier of the unique identifiers for the one processed image, the unique identifier being derived using a portion of the processed image”.

For the reasons already discussed above with respect to claim 1, *Stuart*, *Spanbauer*, *Suzuki et al*, and/or *Hollingsworth* does not teach or suggest these recited features of claim 29.

Accordingly, the 35 USC §103(a) rejection of claim 29 is improper and should be withdrawn.

Claims 30, 32, and 33 depend from claim 29, and recite additional features. At least for reasons of this dependency, claims 30, 32, and 33 are allowable over the cited combination.

Accordingly, the 35 USC §103(a) rejection of claims 30, 32, and 33 should be withdrawn.

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Conclusion

The pending claims are in condition for allowance and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned prior or issuance of an advisory action.

Respectfully Submitted,

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